preserve

App I IX 4

Previous References
Ml 27-26 (1-2)

1935
(GAR
Ml

File No 108-35
Serial Nos 1

Letter References
Ml 108-35-2

GENERAL AND REVENUE SECRETARIAT

Serial Nos 3 onwards

Part B for September 1935

SUBJECT

Powers of the Municipal Commissioner, Bangalore in regard to the acquisition of lands within the limits of the Bangalore city Municipality

G.O. Dr R 1459-518 dated 6-9-1935

Directs that in all acquisition cases in the Bangalore city Municipality where the award is likely to exceed Rs 10,000 the Municipal Commissioner, Bangalore city as long as he is the Land Acquisition officer, should consult the Deputy Commissioner, Bangalore and in cases of any difference of opinion between the two officers they should be referred to Govt

WD 03607 GPB—22 500—2 8 35

4260
L

C5 2784/34-35

M K V ANANTARAMAN
DEPUTY COMMISSIONER

BANGALORE
Dated the 20th March 1935

Dear Sir,

According to para 14 of Annexure I to Government Order No Camp R 173-233/L R 21-26 dated 23-6-1927 issuing instructions in the matter of acquisition of lands for public purposes, the Land Acquisition Officer, when he is not the Deputy Commissioner of the District should consult the latter in any doubtful or difficult cases before making the award and in particular, he should refer to the Deputy Commissioner any case in which he proposes to award more than 10% in excess of the original estimate or more than Rs 1000/- Although there must have been many such cases pertaining to the Bangalore City area and dealt with by the Municipal Commissioner as Land Acquisition Officer, so far no such cases have been referred to me by him

I have therefore addressed the Municipal Commissioner requesting him to observe the rules hereafter A copy of the letter addressed by me to the Municipal Commissioner is enclosed

Yours sincerely,
M K V Anantaraman

Rajasevasakta
R RANGA RAO, ESQ, B A, B L,
Chief Secretary to the Government of Mysore,
Bangalore

No action is perhaps necessary in this office now — the Municipal Commissioner has been addressed in the matter by the D C Bangalore direct

Please put up file relating to the arrangement according to which the Mun' Com' is appointed as Land Acqn Officer

D O J 2984/34-35
V ANANTARAMAN
PUTY COMMISSIO E

CONFIDENTIAL

F III-2

BANGALORE
20th March 1935

Dear Sir,

According to para 14 of Annexure I to Government Order No C mp R 173-233/L R 21-26 dated 23rd June 1927 issuing instructions in the matter of acquisition of lands for public purposes the Land Acquisition Officer when he is not the Deputy Commissioner should consult the latter in any doubtful or difficult cases before making the award and in particular he should refer to the Deputy Commissioner any ca e in which he (the Land Acquisition Officer) proposes to award more than 10 % in excess of the original estimate or more than as 1,000/- There must doubtless have been many cases coming under the above category but so far no such awards have been referred to me

In inviting attention to the Government Order mentioned above I request you to forward in future to me all cases falling within the scope of para 14 of the order in respect of which a reference to the Deputy Commissioner is laid down as necessary

I am sending a copy of this letter to Government

Yours Sincerely
Sd/- K V Anantaraman

To

T Seshadri Esq M A
Municipal Commissioner
Bangalore City

"C o p y"

K V Anantaraman
DEPUTY COMMISSIONER
BANGALORE DISTRICT

Serial No

flag L*

Re connected file No 7-26 1-2) is put up Rem 1. 30/ Subd for perusal

2! "The Hindu Law will Sastri Iyer Mar the rules thereafter Mrs if there is any Difficulty in Doing so the Mg make a reference to Govt"

No action is necessary on the Assam reference

Chief Secy) Ann 3/3

CHIEF SECY 1 Apr 35

6 Subd for perusal RZ 3/4/35 Ann 3/4

2nd Mcmbs 1st Mcmt.

The Com is making a refce I am told there is some old G O about this matter

SRZ 4/4

HR

38 Ann 6/1

Sus B 6/4

NOTE—Contn Sheet

4260 ಫೈಲ್ ನಂ 67575/35

Land Acquisition Cases in Bangalore city in which the awards exceed Rs 1,000 &c

[illegible] File No of 1934	General and Revenue Secretariat

Letter No L1-195 dated 30-4-1935 from the Municipal Commissioner Bangalore city stating that as the Municipal Commissioner has been appointed as the Land Acquisition officer for purposes of acquiring lands and buildings situated in Bangalore city there is no necessity to refer to the Deputy Commissioner any case in which the award exceeds ~~[illegible]~~ the original estimate by 10% or more than Rs 1000

The Law Section may be consulted if the interpretation of the Municipal Commissioner is correct

For favour of remarks

Asst Secy Law Secn with Compts

Asst 4/5

4/5 [illegible] 4/5

10 The instructions laid down in paragraph 14 of Annexure I of the Govt order of 23rd June 1927 apply to all land acqn officers who are not Deputy Comrs and therefore strictly speaking apply to the M' Comr also But the intention of para 14 ~~[illegible]~~ to give powers of control to the Deputy Comr over the acts of other land acqn officers ~~and~~ to ~~the M' Comr being~~ safeguard Govt interests in matters relating to land acqn - The M' Comr being himself an officer of the status of a Dy Comr, is not subject to the control of the

6295

General and Revenue Secretariat

File No of 193

[App F III–2

Serial No

Dy Comr and moreover the land acqn cases he deals are those which concern the municipal funds more than the public revenue In these circumstances, it may not be necessary to ~~forward~~ ~~the P.C.~~ apply the procedure prescribed in para 14 to the M' Comr. The para for this purpose may have to be suitably revised, if the intention is to continue the existing practice as suggested by the M' Comr

asstsey 487
with Copys

8/5/35
AM/8/5

//

Submitted for orders A reply has to go to the Municipal Commissioner If para 14 of the rules referred to above has to be amended, it has to be done in the Revenue Branch

9/5

12 A note explaining the facts of the case is submitted for orders

11/5/35

Chief Secretary)

AM 11/5

NOTE—Contn Sheet.

involved here than if any such question were involved. I see no harm in requiring the Mil Com to take the approval of the Dy Com in certain cases. The municipal Regn authorises the Dy. Com to call for reports and to exercise control checks on the municipal Council in certain cases. On this analogy, the procedure of doubtful or ineligible cases of accn being referred by the Mil Com to the Dy Com would be quite in order. Apart from that, I think there is a good deal in

Serial No

13 The question here is whether as per rules now in force the Municipal Commissioner of Bangalore should not take the instructions of the Deputy Commissioner in important or doubtful cases of land acquisition The Municipal Commissioner thinks that this is unnecessary as he has himself the status of a Deputy Commissioner and it would affect his prestige if he took instructions from another Deputy Commissioner I am afraid this view is not quite sound I may in this connection point out that the Deputy Commissioner is entitled under certain circumstances to call for a report from the City Municipality and to issue instruction which the Municipality is bound to carry out

14 The point is really not one of prestige but one of usefulness If the consultation between the Commissioner and the Deputy Commissioner facilitates the disposal of the acquisition proceedings, I do not see why the Commissioner should not consult him However to maintain his prestige, the existing rule may be modified to this extent Instead of the Commissioner being asked to take the Deputy Commissioner's instructions in cases of doubt or importance, he may be asked to consult him and obtain his opinion Should both agree, the Council may take action accordingly Should there be a difference between the two, the matter may be submitted to Government for orders

RECD 3 OF COUNCIL
1 MAY 19 5
No 7337

NOTE—Confn Sheet

Second Member)
First Member)

WD 01955—GPB—22 700—12 6 34

Rej
25/5/35
MMS

15. I do not think that there is any question of prestige in the matter The Municipal Commissioner was appointed as Land Acquisition Officer on the specific ground that there was delay in Municipal acquisition cases and that investing the Commissioner with these powers would conduce to the speedier disposal of acquisition cases Even now this is the main point for consideration The suggestion made now by the Chief Secretary that ~~he~~ The Com- need not seek instructions from the Deputy Commissioner but need only consult him will not, I fear, tend towards the speedy disposal of municipal acquisition cases which was the object of Government in making the Commissioner the Land Acquisition Officer If any consultation is considered necessary, I would confine it to cases of acquisition where the award is likely to exceed Rs 10,000 as against the sum of Rs 1,000 fixed in the rules In cases of difference of opinion, the case will be sent up To Govt In all cases below this sum, he may send up proposals direct to Government as he is doing now

1337

OFFICE OF THE FIRST M[illegible] 12 JULY 935 Nr 372

Jpn 11/7

May I know whether it is not in cases where the cost of acqn is met from municipal funds that the Municipal Comr is appointed L A Offr? From the correspondence it would appear that acqn for fmt depts is also entrusted when should the Chairman depute an officer about this

Lee 13/7 KG 13.7 NM/13/7

Powers of the Municipal Commissioner in regard to Land Acquisition cases

17) The Municipal Commissioner is ~~also~~ also appointed as Land Acquisition Officer in cases in which the cost of acquisition is met from State funds or other Govt Departments

18) Recently in connection with the acquisition of properties for shifting the cycle and toddy shops from the Subedar Chattram Road Bangalore city, in which the cost is to be met from the Public Works Budget, the Municipal Commissioner was appointed as the Land Acquisition Officer Similarly in the case of the acquisition of properties for widening the Kumbarapundi Road, Bangalore city, the cost of which is to be met from State funds, the Municipal Commissioner was appointed as L A Officer

flag B (linked file)

⊗ submitted separately

Submitted

Rmr 15/7 NM/15/7 Chief Secy) 9 Asst 15/7

15 JUL 1935

19) The rule about the L A officer seeking instructions of the Deputy Commissioner in certain case is not a rule issued under the Regulation, but is a departmental instruction So long as the Municipal Commissioner who is of the rank of a Deputy Commissioner is entrusted with acquisition work, I see no objection to these departmental instructions being amended on the lines indicated in the minute

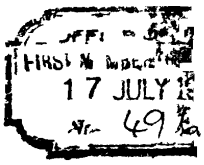
NOTE—Contn Sheet

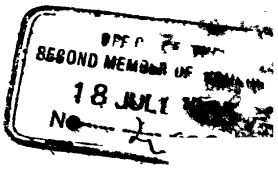
WD 0 955—GPB—22 00—12 6 34

File No

the minute of the Second Member

22) I should however suggest the desirability of reconsidering the G O of 22nd July 1926 making the Municipal Commissioner the L A O for Bangalore City in all cases of acquisition of land whether required for the Municipality or for Government, or a Company. This arrangement was ordered to ensure speedy disposal of acquisition work But now it turns out that the Commissioner cannot spare time, and Government have had now to post an Assistant Commissioner for acquisition work in the City It may be that the Municipal Commissioner is more intimately acquainted with land values in the City than a revenue officer, but there are several considerations which make it desirable that the L A work in the City should be under the control of the Deputy Commissioner who is the representative of the Government in the City as well as in the rest of the District





ks
17/7/26

2 m My

23) 19/7 My

24) The amendment of the Rules agreed to by the 7th may issue as it is necessary in the present case

25) As regards the 9th question it may be considered separately Please put up the file after issue with previous refs

19/7/26

26) Meanwhile Draft

Amendment of rules under the Land Acqn Rgn

4822

L

Dlg

Dr

General and Revenue Secretariat | File No | of 193 | [App F III 2

O

SECRETARIAT
Dipl. No. 1949
15 AUG 1935
REVENUE BRANCH
LR 93-35-1

MBS

To L S & Bdn
c. for Mundy
Settlement for
reference MI 2435
-3 regarding the
posting of an Asst
Comr for acquisition
work in Bangalore
city - A Rgn is
sent herewith

DBS
19/8
L S & Bdn
Cir)

Comm need on 23/8
along with the file
DBS
23/8

OFFICE OF THE
HIGH COMMISSIONER
30
1935

INDIA
27 AUG 1935
GENL & REV SECTT

CHIEF SECRETARY
TYPING
31 AUG 1935
GENL & REV BR

NOTE—Contents Sheet

28) Rules relating to land acquisition have been dealt with and issued by the Rev Branch to which the file may if approved be sent for further needful action

29) Submitted for orders with ref to Para 25

13/8/35 MM 13/8/35 — Rev for
Mysore Comm)

30) AM 13/8/35

31) Draft Notes submitted for consideration

32) Under Rule II of the Rules under L A Rgn, Local bodies have to address Govt Commrs in connection the acquisition of lands if the Municipal Commr is to be empowered to submit proposals relating to acquisitions, direct to Govt (please see members' minutes at paras 15 & 21 supra), Rules II III IV, V & VI & XI of the Rules appear to require amendment accordingly & also as para 5 of instructions

33 Submitted for orders

DBS AM
23/8/35

34) Type as revised

dcg
27/8/35

35) Typed draft subd for approval

DBS dcg
28/8/35

Chief Secy)
I agree

dcg
29/8/35

36) Kee
Asst

37) Kee
31/8

38) Issue dcg 31/8/35

Kee
31/8

dbl File No 93 of 193 5

General and Revenue Secretariat

2

G.O. No R. 1459-518-B-6 93 35-

The Rev Commr
Comptr
Hdo of Diff Depts
Dy Commrs of Dists
" Presidents of DBds
" President City Municipality
The Munpl Commr, Bangalore City, - thro' the President Bangalore City Municipality
" Chairman, Mysore City Municipal Trust Board
" Presidents Sanitary Bds, Rg-2
" Compiler - Mysore Gazette -
Passes

Orders regarding the consultation of the Dy Commr, Bangalore Dist by the Munpl Commr, Bangalore City in connection with the acquisition of lands in the City Munpl limits

35) The file will if approved be returned to the L&G Br for taking action on the general questions after getting Extracts of paras 1 to 38 typed for the DBL file

40) Refer paras 22 & 25 supra

41) Yes

DB 9/9/35 — 9/9/35

1) Copies of Notes & orders in this file have been got typed & put up in the linked file (DBL 93-35-5) which will be received now

2) The file of the L&G Br is hereunto returned to that Br.

DB 21/9/35
L&G Br

To the Typist
Kindly see
for the use of typing
Extracts of paras
1 to 38 & one
copy of Munpl
Dy Comm's letter of
1 30 4 35 & Bangalore
Dy Comm's do letter
of 20 3 35

DB 9/9/35

SECTION
ING SECTION
1935
GEN
REV SECTT

B 6/11/35

NOTE.

The Deputy Commissioner, Bangalore District asked the Municipal Commissioner, Bangalore City, under para 14 of Govt order dated 23rd June 1927 to refer to him all cases of a difficult or doubtful nature before making the award and also where the award amount exceeds 10% of the original estimate or more than Rs 1000/-, in respect of all cases of Land acquisition attended to by him in Bangalore City

The Municipal Commissioner, Bangalore City has, with reference to the above communication, stated that although he is the Land Acquisition Officer for Bangalore City, he is himself of the rank of a Deputy Commissioner and it has not been the practice to refer to the Deputy Commissioner of the Bangalore District cases of the kind referred to above He adds that it cannot also be the intention of Government to apply the aforesaid rule to him He requests that if his view is correct, a ruling may be obtained on the point

The Asst Secretary, Law Section to whom the file was referred is of opinion that strictly speaking, the instructions laid down in para 14 above should apply to the Municipal Commissioner also who is the Land Acquisition Officer, that this

this officer being of the status of a Deputy Commissioner himself and not subject to the control of the Deputy Commissioner of the District and ~~that he~~ deals with cases for which the funds are met from the Municipality, it is not necessary to apply the procedure prescribed in the above para to the Municipal Commissioner He adds further that the intention of the instruction is to give pover of control to the Deputy Commissioner over the acts of other Land Acquisition Officers to safeguard Government interests in matters relating to Land Acquisition for which the funds are provided out of Public revenues it is also

2 suggested that the para (14) may be suitably revised if the intention is to continue the existing practice as suggested by the Municipal Commissioner

Since the Municipal Commissioner

7 vants a ruling in the matter, it is for orders if the para 14 may be revised as suggested

City Municipal Office /

No L1-5 195 Enclosure

Bangalore dated 30th Apr 193 5

From

M SESHADRI ESQ, M A,
Municipal Commissioner
Bangalore City

To

Rajasevasaktha
R Ranga Rao, Esq, B A, B L,
Chief Secretary to the Government of
His Highness the Maharaja of Mysore
Bangalore

Sir

I have the honor to forward herewith a copy of D O letter No C5-2984/34-35 of 20th March 1935 from the Deputy Commissioner, Bangalore District inviting my attention to paragraph 14 of Annexure I of Government order No Camp R 173-233 L R 21-26 of 23rd June 1927 issuing instructions regarding the acquisition of lands for public purposes

The rule referred to above lays down that when the acquiring officer is not the Deputy Commissioner of the District, he should consult the latter in any difficult cases before making the award and that in particular, the Land Acquisition Officer should refer to the Deputy Commissioner any case in which he proposes to award more than 10% in excess of the original estimate, or more than Rs 1,000

In accordance with this rule, the Deputy Commissioner asks me to refer to him all cases where the award exceeds Rs 1,000 in value or 10% of the original estimate

Till 1926 the Personal Assistant to the Deputy Commissioner was attending to the land acquisition work within the limits of the Bangalore City Municipality At the instance of the Municipal Council, Government in their order No L 525-8 Ml 27-26-2 dated 22nd July 1926 ordered that the Municipal Commissioner should be put in

D O No 05-2984/34-35 dated 20th March 1935 from the Deputy Commissioner, Bangalore, District to the Municipal Commissioner, Bangalore City

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According to para 14 of Annexure ~~to~~ I to Government order No Camp R 173-233 L R 21-26 dated 23rd June 1927 issuing instructions in the matter of acquisition of lands for public purposes, the Land Acquisition Officer, when he is not the Deputy Commissioner, should consult the latter in any doubtful or difficult cases before making the award and in particular, he should refer to the Deputy Commissioner any case in which he (the Land Acquisition Officer) proposes to award more than ~~10~~ 10% in excess of the original estimate or more than Rs 1,000 There must -- doubtless have been many cases coming under the above category, but so far no such awards have been referred to me

In inviting attention to the Government order mentioned above, I request you to forward in future to me all cases falling within the scope of para 14 of the order in respect of which a reference to the Deputy -- Commissioner is laid down as necessary

I am sending a copy of this letter to Government

Copy

M Sahadev

Municipal Commissioner

consult the latter in any doubtful or difficult cases before passing the award and in particular, he should refer to him any case in which he proposes to award more than 10 per cent in excess of the original estimate or more than Rs.1,000/-. The Deputy Commissioner of Bangalore District brings to notice that these instructions are not being observed by the Municipal Commissioner of Bangalore City and the latter explains that the instructions could not have been intended to apply to the Municipal Commissioner as he is himself an officer of the rank of a Deputy Commissioner.

2. Government consider it desirable that the Land Acquisition work in the City should be under the control of the Deputy Commissioner who is the representative of the Government in the City as well as in the rest of the District. But so long as the Municipal Commissioner who is of the rank of a Deputy Commissioner is entrusted with acquisition work, consultation with the Deputy Commissioner will be confined to cases of acquisition where the award is likely to exceed Rs 10,000/-. In cases of difference of opinion between the Municipal Commissioner and the Deputy Commissioner the matter will be sent up to Government for orders. In all cases below this sum, the Municipal Commissioner may send up proposals direct to Government as he is doing now. The following sub-para will be added to paragraph 14 of Annexure I to the Government Order of 23 6 1927 read above -

"The Municipal Commissioner of the Bangalore City Municipal Council will, so long as he continues as Land

c dititi n f icer, c ult the ..t, Commissioner
of ... l re istrict in ll c.se of ac,uisition here
in ... ru.r li ely to exc ... 10, 00/-. In cases of
.ffir. c. c. o ation, the c. e shall be sul itted for
t. ..ru. of over. t. In ll. cases below this sum,
t. ..ci l Co .rsioner .r, m.d up proposals direct
. ..r.. t. h re.ference."

Seubbarayappa

Secy Chief Secretary to Govern ent.
7/8

A ..venue Co..issio r in .sore.
* C,troller to Gover ent.
* eads of ot'er e,artments
C.ty, Co..issi ners of istricts.
Presidents of District Boards, through the C,uty
Co..issi ners of .rtricts
* Treasu r, City .unici,l Council, .sore.
* Chairman, .sore City .. rove t Trust Boar , .sore
* Municip.l Co..issioner, .. lore Cit , ... the
r. ice t, City .unici, l Cou cil, .. lore.
* Presic t, Water ..r . l r ol. ..ies.
* Compiler, Mysore Gazette